

TEXAS HOUSE OF REPRESENTATIVES
COMMITTEE ON ELECTIONS
SUBCOMMITTEE ON VERIFICATION VOTERS
MARCH 17, 2005

Transcribed by Rhonda Howard, CSR
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CHAIRMAN BOHAC: The Subcommittee on
Voter Verification will come to order. Will the
Clerk please call the role.

THE CLERK: Chairman Bohac.

CHAIRMAN BOHAC: Here.

THE CLERK: Mr. Anchia.

REPRESENTATIVE ANCHIA: Here.

THE CLERK: Quorum is present.

CHAIRMAN BOHAC: I want to welcome
everyone in the audience and invite everyone voting
for, on or against the bill to hand your form to the
Clerk.

Representative Nixon's bill will not be
heard today, but it is the Chair's intent to leave
the bill pending. And the Chair will now lay out
House Bill 1293 by Nixon.

And the Chair will now leave pending House
Bill 1293 by Nixon.

And since Representative Kolkhorst is now
here, the Chair would like to -- at this time would
like for Lois to lay out House Bill -- lay out House
Bill 472 and Representative Kolkhorst to lay out her
bill.

REPRESENTATIVE KOLKHORS: Thank you,
Chairman Bohac.



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1 CHAIRMAN BOHAC: You're welcome.

2 REPRESENTATIVE KOLKHORST: You did a
3 nice job there. Nice to have you here.

4 CHAIRMAN BOHAC: Great to be here.

5 REPRESENTATIVE KOLKHORST: Chairman
6 Bohac and I sat by each other in Business and
7 Industry last year when he was a freshman and I was
8 a wiley sophomore.

9 Thank you for allowing me to be before
10 you.

11 For those that don't know, we're in our
12 last day of appropriations in our Committee, thank
13 goodness. It's been a long journey, but we're in
14 the middle of laying out riders and then (inaudible)
15 subcommittee verification. I'm a little compromised
16 in my time today, so I will lay out House Bill 1402.

17 House Bill 1402 is a very simple bill,
18 which basically gives you two -- two choices of when
19 you're -- when you're voting: One form of
20 identification with a person's photograph or two
21 different forms of identification that do not
22 contain the person's photograph. And, you know, in
23 looking at -- I always like to tell about my
24 journeys of how and why I file a bill. And one of
25 the things that I've had some experiences on is



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1 being involved in different elections. We obviously
2 know that we endured a number of challenges not just
3 on the State level but throughout the State of
4 Texas. And one of my -- one of my real concerns
5 is -- is that when you can go and vote - and - and
6 this has happened to one of my best friends, and she
7 did it as a test - that she didn't have her voter
8 identification.

9 She went. She didn't show an I.D. She
10 just went and signed her name. And she knew that
11 they weren't going to ask anything.

12 And so when they did that, she went and
13 voted. I said, "Well, Alison, how did they know it
14 was you?" She said, "Well, they didn't."

15 And then I think we had another incident
16 in Brazos County where a young man went to vote and
17 somebody had voted for him in early voting.

18 And so one of the things that I think --
19 the most important thing that we have in this
20 country is our right to vote. And Chairman Bohac,
21 you and I have had long talks about that. And
22 nothing has been more sobering to me than seeing
23 what's happening in Iraq and Afghanistan and the
24 pride that those people have taken in casting their
25 first vote. And I don't want anything here in this



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1 country to be compromised on that privilege. And it
2 is indeed a privilege where many men and women have
3 died giving us that privilege.

4 So in looking at this and looking at
5 different states, I think this is similar to what
6 Arizona has recently -- recently passed and
7 saying -- in saying not just picture I.D., but if
8 you don't have a picture I.D., two other forms of
9 identification that allows you to say this is who
10 you are.

11 There are a couple things I want to say
12 and -- and -- before -- before I go back to
13 appropriations. Obviously, our world has changed a
14 lot, and it's evolved. September 11's changed a lot
15 of things for us. Could not get on an airplane
16 without showing a picture I.D. Can't cash a check
17 without showing a picture I.D. I can't use my
18 credit card without showing my picture I.D., because
19 I think it's swiped enough that my signature is off
20 the back. You can't rent a -- a movie at the
21 Blockbuster Video without showing an I.D. of who you
22 are. There -- there are a number of things that
23 require us to prove who we are, and there's a good
24 reason for that. I -- I certainly think that those
25 standards should be applied to the most precious



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1 right we have as a United States citizen.

2 So I offer that up. I -- I know that
3 there will be some arguments about deterrents, this
4 could discourage someone from voting. Well, then,
5 obviously, those people are very discouraged from
6 doing any transaction, because when you go somewhere
7 you have to prove who you are almost in everything
8 that you do. Even recently at my bank when I tried
9 to make a deposit at my bank, they asked for a -- an
10 I.D. to be sent through the cannister.

11 So, you know, this is a part of the world
12 in which we live in today.

13 I appreciate you allowing me to lay the
14 bill out. One of my staffers is going to stay to
15 hear. I'll try to come back and close, but if I'm
16 not able to, Mr. Chairman, would you do the honor of
17 closing for me?

18 CHAIRMAN BOHAC: Absolutely.
19 Members, are there any questions for Representative
20 Kolkhorst?

21 REPRESENTATIVE KOLKHORST: Thank you
22 very much.

23 CHAIRMAN BOHAC: Madame (inaudible),
24 good to see you here today.

25 REPRESENTATIVE KOLKHORST: Thank you



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1 for allowing me to be before your subcommittee.

2 CHAIRMAN BOHAC: And please let the
3 record show that Representative Brian Hughes is now
4 present. Welcome, Brian.

5 REPRESENTATIVE HUGHES: Right here.

6 CHAIRMAN BOHAC: The Chair would now
7 like to call Paula Littles, representing the Texas
8 AFLCIO, testifying against the bill.

9 PAULA LITTLES: Good afternoon. My
10 name is Paula Littles, and I am here representing
11 the Texas AFLCIO. And I actually probably also
12 should have filled one out so that I could represent
13 myself.

14 But we're opposed to this bill for a
15 number of reasons. The main one is -- is that we're
16 requiring people to provide another -- one more
17 source of identification for them in order to vote.
18 And we personally believe it is a deterrent.

19 I also -- I have voted on a number of
20 occasions without having my voter registration card,
21 and I have been allowed to vote without showing some
22 other forms of identification. And that's something
23 that's normally passports or my driver's license.
24 So I -- if someone is allowed to vote without having
25 anything, that's a problem that probably the



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1 counties need to address when they're training of
2 their precinct judges.

3 Some of the reasons that we're opposed to
4 this, in some areas of the State -- and I've worked
5 in elections in -- in east Texas and some of the
6 larger cities. I haven't actually spent much time
7 down in the Valley or going west. But if -- in --
8 in both places in Texas -- and no, sir, I don't know
9 what the problems are in some of these counties.
10 But we don't provide enough resources to our
11 counties to manage elections as it is. You go into
12 certain areas of this state, you don't have enough
13 voting machines, you don't have enough clerks, and
14 you have very, very long lines. And we also don't
15 provide information properly to our voters. We --
16 say this bill passes or one of the three passes and
17 we go to vote, I'll know, because I was here. The
18 average person that is going to vote at 5:00
19 o'clock, and it's likely if you live in some large
20 cities and in some neighborhoods your voting place
21 has already changed, because it's not the one that
22 you voted at the last time. So you go there first,
23 and you discover -- because there's no sign. You
24 can only hope that you can find someone to tell you
25 that your voting place is someplace else if you



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1 don't take the newspaper or have time to read the
2 paper that morning of the election, which is the
3 only time in some cities they're posted.

4 I go to vote. You discover it's changed.
5 So even -- you discover it's not changed, but it's
6 5:00 o'clock. When you get there, you have your
7 voter registration card. And at that point someone
8 wants a driver's license -- well, you know, in some
9 areas of the state people don't have cars. They
10 can't drive. They can't afford one. And so they're
11 riding the bus. They don't have their driver's
12 license, because they don't own one, or maybe they
13 have a state I.D., but they don't have it with them.
14 They don't have their gas bill, and they can't vote.
15 They have to go home, because we haven't done any
16 type of outreach, because we don't do that in this
17 state, unfortunately, to make sure that people --
18 well in advance of what's expected of them.

19 Right now, the average voter -- and most
20 voters are legitimate and honest. I've heard a lot
21 of people over -- over time say that there's a lot
22 of rampant dishonesty going on in elections. And I
23 haven't seen that in a lot of places, and I have
24 done elections all over. I have not seen rampant
25 people just -- unfortunately, people aren't flocking



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1 to the polls and voting, as it is. And so,
2 therefore, us making it a little bit harder for
3 those people that do come out and vote, I think
4 it's -- it's -- it's just -- it's one of those
5 things that there are probably a number of other
6 ways that we can curve the -- this rampant voter
7 fraud. By making it harder for those honest
8 citizens of this state to come vote, I just don't
9 think it's one of them, or at least my organization
10 and I don't think it's one of them.

11 Thank you for your time. Are there any
12 questions?

13 CHAIRMAN BOHAC: Mr. Hughes, we'll
14 recognize you for a question.

15 REPRESENTATIVE HUGHES: Thank you for
16 your testimony today.

17 You mentioned east Texas. I'm from east
18 Texas. I'm just wondering where that was.

19 PAULA LITTLES: I didn't work against
20 you.

21 REPRESENTATIVE HUGHES: That was my
22 next question. You anticipated my question.

23 PAULA LITTLES: I would never work
24 against you.

25 REPRESENTATIVE HUGHES: Well, I



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11

1 hope -- you know, my dad -- my dad just retired
2 as -- from 40 years from U.T. --

3 PAULA LITTLES: Yes, yes.

4 REPRESENTATIVE HUGHES: -- U as part
5 of AFLCIO.

6 PAULA LITTLES: Yes, I know.

7 REPRESENTATIVE HUGHES: And I'm
8 curious, where in east Texas?

9 PAULA LITTLES: Well, let's see. I
10 have been in Marshall. I have been in, you know,
11 some of those wonderful places like Cass County.

12 REPRESENTATIVE HUGHES: Yes, ma'am.

13 PAULA LITTLES: I've been in
14 Texarkana. I've been in Tyler more times than I
15 care to count. And I stayed in Longview long enough
16 that I know everybody at the hotel -- Hampton Inn.

17 REPRESENTATIVE HUGHES: Yes, ma'am.
18 I understand. I appreciate you being here. Thank
19 you.

20 PAULA LITTLES: Okay. Thank you.

21 CHAIRMAN BOHAC: Representative
22 Anchia.

23 REPRESENTATIVE ANCHIA: Thank you,
24 Mr. Chair, and thank you, as well, for your
25 testimony.



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1 One of the things that we're trying to do
2 here is for -- is for balance. What -- we may
3 understand this alleged voter fraud, while at the
4 same time allowing people to exercise their
5 fundamental right, their franchise to vote.

6 And I understand your position very
7 clearly. When -- when you -- when we're seeking a
8 balance one of the things that's helpful is to
9 understand a -- what the problem is and about what
10 the actual -- what the actual obstacles would be to
11 implementing something like that and what -- and how
12 might this disenfranchise people. Because for me,
13 it seems pretty logical that most people in this
14 state would have a voter I.D. or -- or some sort of
15 state identification. And my understanding when I
16 looked at the list and I studied this bill, when I
17 looked at the other forms of I.D. that were
18 available, I mean, it was everything from a fishing
19 license to a gun license to -- there was a big
20 laundry list. And -- and you -- you might recall my
21 testimony on another bill that I thought was a
22 little bit onerous in terms of giving someone the
23 opportunity to register to vote.

24 But I wanted -- I wanted your help in
25 trying to understand why this might be an



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1 unreasonable obstacle to place on a person.

2 Do you under -- do you have a feel for
3 what the incidence or penetration rate in our
4 communities are of either driver's license or -- or
5 state I.D.s? I don't have a feel for that.

6 PAULA LITTLES: I don't have a feel
7 for that.

8 What -- I'll give you an example of -- I
9 was trying to think back on some -- some things that
10 basically -- just in the last election cycle some
11 things that I noticed that occurred on election day.

12 REPRESENTATIVE ANCHIA: Uh-huh.

13 PAULA LITTLES: I was not in Austin.
14 I was in a larger city in the State. And I was
15 in -- I've got a couple of minority polling places.
16 And -- and you know, I think one of the things that
17 some of us tend to take for granted, and I do, too,
18 I -- I drive every place that I go. I -- I -- I
19 don't even know what I would do if we had a good
20 public transportation system in the state, because
21 I'm just so used to driving.

22 But -- so I see long lines of polling
23 places, but I -- I don't see -- I see very few cars.
24 And this is strange, because it was a large city.
25 And -- and I hadn't worked in a large city for a



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1 while. And then I discovered most of the people
2 were on the bus. They were getting off from work,
3 you know. And so I went into the poll -- I went
4 into this one polling place, because a friend was a
5 clerk and I was taking him some food. And -- and
6 while I was giving her the food, there was a lady in
7 line, and she didn't have her driver's license -- I
8 mean, she didn't have her voter registration card
9 and she didn't have her driver's license. And --
10 and the first thought that crossed my mind, was why
11 doesn't she have her driver's license. I'm still
12 not connecting with where these people -- these
13 people on the bus. And so -- and then she's looking
14 for some identification. And -- and when she got
15 through voting, we were both walking out together,
16 and she was telling me how, you know, she had stood
17 in line for a long time. She was just so glad she
18 found something that worked so she could vote,
19 because she had been in this long line. And if she
20 had had to go home to get something else she
21 wouldn't have -- she wouldn't have came back.

22 And I think that's a big problem in -- for
23 a lot of people, especially poor people, because
24 they don't have the luxury of -- since my boss isn't
25 in, I may go vote at any given point in time during



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1 the point of the day. But that's a luxury -- luxury
2 that I have that a lot of people just don't have.
3 The average person doesn't have those luxuries.
4 They don't have the luxury of being told that you
5 need something else after you get there.

6 And one of our problems, one, that we
7 don't work hard enough to make sure that people have
8 what they need before they get there. We don't do
9 the job well enough.

10 As I said, in some states -- in some
11 counties, people don't know their voting place has
12 changed until the day of an election. And if you
13 don't take the newspaper or if you leave home early,
14 because you need to be at work for 6:00 or 7:00, you
15 don't know this until you get off from work. And
16 once you're off from work and then you decide
17 because you want to do your duty and you want to go
18 and vote as soon as you're off from work, and that
19 luxury doesn't afford -- doesn't come to you until
20 after 5:00 or 6:00 o'clock. Then when you get there
21 and you discover that you've got your voter
22 registration card, but that's not enough, because we
23 don't -- I don't think we do our job well enough
24 to -- contiguously to create other things for people
25 to do in order to vote.



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1 We -- we make a lot of rules, but we just
2 don't do our job well enough at getting out those
3 rules out to the average citizen that -- that for
4 whatever reason, they literally can't look at
5 television during the 6:00 o'clock news, you know.
6 Doing their children's homework at 7:00 after
7 dinner, and then they're putting them to bed and
8 going to sleep, because they have to get up early
9 and catch the bus to go to work. And,
10 unfortunately, we don't connect with those people
11 way too many times.

12 But I can write up some other things that
13 I know about, Representative Anchia, that I can get
14 to you and any other member of the Committee that
15 would be interested. Okay?

16 Any other questions? Thank you.

17 CHAIRMAN BOHAC: The Chair now calls
18 Suzy Woodford, representing Common Cause here to
19 testify against the bill.

20 SUZY WOODFORD: I believe I checked
21 did not testify. I just wanted to be on the record
22 for being in opposition.

23 CHAIRMAN BOHAC: Okay. The Chair now
24 calls Cliff Borofsky from Bexar County a/k/a Bexar
25 County to testify against the bill.



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1 CLIFF BOROFISKY: Good afternoon.
2 Cliff Borofsky, the elections administrator for
3 Bexar County.

4 I'm testifying against the bill, but I do
5 don't want to comment to the Committee and the House
6 for addressing the issue of voter I.D., because it
7 is an issue. Along with House Bill 516, both of
8 those address the issue.

9 The primary reason that I wanted to oppose
10 this has to do with the requirement for voter's
11 registration certificate and one of the others.

12 We have, I will estimate, close to
13 50 percent of the voters in our county, maybe 40,
14 don't bring a voter registration card. For reasons
15 of efficiency, they put it aside, they're coming or
16 going, they don't bring it or some of them never
17 bring it for any reason. And it applies across the
18 strata. We have a well-known diverse group of
19 voters in our county, and this applies to everyone.

20 The other point I want to make is that if
21 we have the voter registration card and use it, or
22 if we don't have it -- require two other forms of
23 I.D., the practical effect is you can't really
24 guarantee it's that person, short of a photo I.D.
25 That's another discussion, I realize. But



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1 noneththeless, if we really want to talk about
2 language of using something to verify an identity
3 without that photo I.D., what we're doing is
4 creating an incremental step, per se. And I'm not
5 sure if it's a good one if you're going to require
6 early, or -- or whatever.

7 I think in the last Legislature and with
8 the Secretary of State's office we did a pretty good
9 job of providing a number of different kinds of
10 I.D.s that people can use. And so that's come down
11 quite a bit.

12 Last year as you know, we started with
13 provisional voting. Bexar County, as you know, had
14 about 3,000 provisional votes. In November, we
15 counted 602, but the majority that were refused were
16 wrong precinct as opposed to I.D.

17 I'd be concerned that we would be creating
18 tens of thousands of provisional voters. And I -- I
19 guess we could do that, but that's going to delay
20 results significantly if we have a large number of
21 provisional voters which could, in fact, affect the
22 turnout of an election. So I would be concerned
23 about creating that.

24 For -- a voter when offering to vote
25 presents a certificate, indicating the voter is



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1 registered to vote in a different precinct, if they
2 have the I.D. to vote, they can do that now.
3 Essentially the only reason somebody can't vote is
4 if they refuse to sign the affidavit as it exists.
5 We may or may not count it based on something else,
6 but everybody gets a chance to vote. And
7 Ms. Littles was right, voter education is really,
8 really important in terms of getting out where you
9 do vote and what you bring to vote with you.

10 I -- I mentioned it yesterday, but again I
11 would say the Secretary of State's office did a
12 really good job in making sure that the counties
13 were aware of different ways of getting the vote out
14 and allowing people to vote last fall.

15 We had record turnouts in early voting in
16 Bexar County. We has 276,000 early votes, more than
17 half of everybody who voted by a fairly large
18 margin. So the word did get out, and we're very
19 pleased with that.

20 So, again, I would ask that you take out
21 the word and in requiring both when 40 to 50 percent
22 don't bring that card now. We're just going to
23 create a bottleneck of provisional votes.

24 CHAIRMAN BOHAC: Thank you. Members,
25 do you have any questions for the witness?



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1 Mister -- Representative Anchia.

2 REPRESENTATIVE ANCHIA: Thank you,
3 Mr. Chairman.

4 This is -- the issue that you've just
5 illustrated was one of the ones that was of concern
6 to me. Currently, it's a cumulative standard. You
7 have to have in -- in -- in Section 1, Subsection B,
8 it requires both the voter's registration
9 certificate, as I read it, and then some forms of
10 identification, either one form from Sub 1 or two
11 forms from Sub 2. Is that the way you read the
12 language?

13 CLIFF BOROFISKY: Yes.

14 REPRESENTATIVE ANCHIA: So that would
15 become the rule that you need both your voter I.D.
16 card and then some other forms of -- of I.D.

17 Do you -- do you see anything else in --
18 in the legislation possibly in -- in Section 4, Sub
19 A, that would -- that would mitigate that concern?
20 And, again, I have not studied that session quite as
21 closely.

22 CLIFF BOROFISKY: No, I don't,
23 because, for instance, if someone comes in now and
24 their name is on the list, they shall be accepted.
25 We have -- but they don't have their certificate.



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21

1 On the combination roster there's a space to check
2 that says "Voter did not have a certificate."

3 REPRESENTATIVE ANCHIA: Uh-huh.

4 CLIFF BOROFISKY: And then you can use
5 one of the other I.D.s allowed, but you do check off
6 the fact that they do not have the certificate with
7 them. That's not punitive, the fact that you don't
8 have the certificate.

9 And I know that if you go way out on a
10 limb, you can say, well, why are we presenting
11 800,000 certificates if only half of them are
12 bringing them? Well, it's the law.

13 REPRESENTATIVE ANCHIA: Right.

14 CLIFF BOROFISKY: And so as we address
15 this I.D. issue, which, again, is a really good
16 idea -- I think, you know, that's important.

17 REPRESENTATIVE ANCHIA: And let me --
18 let me test this with you for a moment. You -- how
19 many years of experience do you have in this area?

20 CLIFF BOROFISKY: Eight.

21 REPRESENTATIVE ANCHIA: Eight years
22 of experience.

23 CLIFF BOROFISKY: In Bexar County.

24 REPRESENTATIVE ANCHIA: In Bexar
25 County.



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1 Before that, any related to elections?

2 CLIFF BOROFISKY: Other than a
3 background in government studies --

4 REPRESENTATIVE ANCHIA: Okay.

5 CLIFF BOROFISKY: -- and teaching
6 politics.

7 REPRESENTATIVE ANCHIA: Okay. In
8 your -- in your experience what would you peg the
9 incidence of fraud is -- as?

10 And without putting a number on it, is it
11 remote, minimal, medium or widespread?

12 CLIFF BOROFISKY: I would say
13 occasional.

14 REPRESENTATIVE ANCHIA: Okay.

15 CLIFF BOROFISKY: And this incident is
16 based on the kind of election you have those sort of
17 things.

18 For instance, I would suggest that they
19 happen more often in school district elections, for
20 whatever reason; I'm not sure. But there's a great
21 deal of emotion charged up with that.

22 It does happen in some cases with voter
23 registration -- voter applications for ballots by
24 mail. But I think the system has evolved reasonably
25 well in terms of I.D. at the poll sites. Even



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1 previously when we were able to challenge a voter at
2 the poll site, per se, under the challenge
3 procedure, we didn't have that many exceptions in
4 some specific campaigns. So I wouldn't say that
5 this will address that. It doesn't move that in
6 either direction.

7 REPRESENTATIVE ANCHIA: Okay. Thank
8 you for your testimony.

9 CHAIRMAN BOHAC: Any other questions,
10 Members? Thank you very much.

11 CLIFF BAROSKY:

12 CLIFF BOROFISKY: Thank you.

13 CHAIRMAN BOHAC: The Chair now calls
14 Ken Bailey to testify. He is with the Texas
15 Democratic Party, and he is here to testify against
16 the bill.

17 KEN BAILEY: Thank you, Mr. Chairman.

18 My name is Ken Bailey. I'm the Political
19 Director of the Texas Democratic Parties. And as
20 the other people have said, we're opposed to this
21 bill, because we believe that the bill penalizes the
22 voter when we should be trying to train the clerks
23 and train the county workers to where they can I.D.
24 people.

25 And in the opposite of what Representative



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1 Kolkhurst says, I've been using credit cards for a
2 long time; I don't have to show an I.D. When I go
3 to Blockbuster, I show them a little bitty card
4 that's on my key chain and they click it. So I,
5 mean, that's not -- we show a voter I.D. when we
6 register nowadays, when you get your voter
7 registration.

8 My voter registration is not on my person
9 right now. It's in my car along with my driver's
10 license -- I mean, my insurance card for my car, but
11 I do have my driver's license. So if you're
12 requiring that we have both, I think that is
13 requiring more things, when yesterday we were
14 talking how sad a state it is that we only have
15 4 percent of the people to vote, and now we want to
16 put something else on them.

17 We, as a Democratic party, think that we
18 should not do this, that this is enough right here.
19 And more training from the counties is what we would
20 like to see.

21 And I would be happy to answer any
22 questions.

23 CHAIRMAN BOHAC: Members, do you have
24 any questions? Thank you very much for your
25 testimony.



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1 The Chair now calls Alison Brock
2 representing Unlocking Your Vote Campaign to testify
3 against the bill.

4 ALISON BROCK: Hello, sir. How are
5 you?

6 CHAIRMAN BOHAC: Welcome.

7 ALISON BROCK: Alison Brock, back
8 once again. And if I may, Chairman Denny, Chairman
9 Bohac, present both testimony and comments on your
10 bill as well as Representative Cocourse's bill.

11 CHAIRMAN BOHAC: Well, if you would,
12 you just limit your testimony right now to
13 Representative Kolkhors's bill.

14 ALISON BROCK: Okay.

15 CHAIRMAN BOHAC: And you'll need to
16 fill out another form --

17 ALISON BROCK: Okay.

18 CHAIRMAN BOHAC: -- for Chairman
19 Denny's bill.

20 ALISON BROCK: Got it.

21 CHAIRMAN BOHAC: Okay.

22 ALISON BROCK: (Inaudible) my comment
23 is brief. And I think that the Members of the
24 Committee are concerned about voter fraud. And it's
25 very, very clear. And I don't think there's anyone



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1 in this room that would be encouraging or wanting to
2 support that. I think we all want to do everything
3 we can to prevent that.

4 My concern with these bills is that if you
5 put the burden on the voter to show proof of
6 identity, there may always be that opportunity that
7 they could go out and provide a false identity.
8 That seems to be going around quite a bit right now
9 and getting a false driver's license.

10 So my -- one of the things I was kind of
11 thinking about was I know that the Secretary of
12 State's office is doing a fantastic job right now of
13 developing a statewide database of all registered
14 voters in the State. And there will be a point in
15 time - I'm not sure when this will be - where the --
16 at the county level and at the state level they will
17 have a shared statewide database of all eligible,
18 qualified voters. And they are looking at -- okay.
19 They are looking at trying to get information into
20 that database that would indicate who's qualified
21 and who's not qualified. And my recommendation to
22 the Committee would be to essentially go down the
23 list of -- in Election Code in terms of who should
24 not be voting to access those databases -- if they
25 exist statewide, access those databases and input to



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1 the State -- to the Secretary of State's office
2 database each week those individuals that should not
3 be registered or should not be voting. So
4 (inaudible) list of folks that had deceived, getting
5 that list over to the Secretary of State's office.

6 I'm not an expert on their database by any
7 means and can't speak to it specifically, but that
8 was just my brief recommendation that, you know,
9 kind of go into the source of, you know, verifying
10 and coming up with accurate lists at the statewide
11 level.

12 CHAIRMAN BOHAC: Members, any
13 questions?

14 You did a terrific job. Thank you.

15 The Chair now calls Don Alexander
16 representing Texas Association of Election
17 Administrators. He -- he does not wish to testify.
18 He is for the bill.

19 The Chair now calls Bruce Sherbet. I
20 guess he is representing himself.

21 BRUCE SHERBET: Thank you, Mr. Chair.

22 CHAIRMAN BOHAC: And you wish -- you
23 are neutral on the bill?

24 BRUCE SHERBET: Yes, I am. I'm
25 (inaudible) county elections administrator, and I'm



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1 neutral on the bill.

2 CHAIRMAN BOHAC: Would you state your
3 name for the record, please.

4 BRUCE SHERBET: Yes. Bruce Sherbet.

5 CHAIRMAN BOHAC: Thank you. And
6 you're representing yourself?

7 BRUCE SHERBET: Yes. But I'm also
8 the Dallas County Elections Administrator speaking
9 from past experience in this position. I'm not
10 representing Dallas County, just my position.

11 I've been the administrator since 1987,
12 and I've been in voter registration and other areas
13 of the Election Department since 1980. And I think
14 the only thing that Cliff was referring to -- Cliff
15 Borofsky from Bexar County, is we have 4700
16 provisional ballots in the last general election,
17 and 940 of those counted. But of the ones that were
18 rejected, the 3700 that were rejected, a very small
19 number were rejected based on identification, not
20 having identification, meaning they didn't have a
21 voter certificate and had no identification. So I
22 think that would be a very interesting study to see
23 just throughout the State.

24 I think there are not that many voters
25 that come to vote without either a certificate or



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1 some form of I.D. I'm not saying there aren't some
2 that do, but I think the numbers are not as
3 significant as you might think they would be.

4 And one other follow-up things that
5 Representative Anchia -- in response to the
6 Section 4 -- I -- I thought before I came in today
7 that this covers it. And it may cover it. I didn't
8 catch it the other day. I just saw the first
9 paragraph of the bill, but it does address if they
10 don't have a voter's certificate, a signed affidavit
11 like they do right now, which is just basically
12 initialing an affidavit that they don't have a
13 certificate and then they present proof. You have
14 to present proof right now under our laws. And if
15 you don't have proof, then you vote a provisional
16 ballot and it won't count. That was pretty much
17 what I wanted to say.

18 But I wanted to follow up on your question
19 and also just address I don't think there are very
20 many voters that I've seen rejected so far. And
21 there -- you get -- those are very easy to obtain,
22 because we all have to maintain our provisional
23 ballots and why they were rejected. So I think you
24 could probably get that information pretty easily.

25 CHAIRMAN BOHAC: Members, any



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1 question for the witness?

2 Representative Anchia.

3 REPRESENTATIVE ANCHIA: Thank you,
4 Bruce.

5 I appreciate your hard work up in Dallas
6 County, and you do a fantastic job and are very,
7 very fair.

8 It is -- is it your testimony that in fact
9 the section I described earlier, Section 4, Sub A,
10 would allow one, if one did not have their -- their
11 voter registration card, to present some forms of
12 I.D. as required by Section 1B, Sub 1 and Sub 2, and
13 then be eligible to vote?

14 ANN MCGEEHAN: That's how -- that's
15 how I read it. I know Secretary of State -- they're
16 shaking their head yes. And I didn't catch that
17 until right before I came into this -- this room, so
18 I didn't catch it the other day when I saw the bill.

19 REPRESENTATIVE ANCHIA: So -- so it's
20 the substance of your testimony that you believe
21 this is a reasonable requirement to -- to place on
22 voters in order to exercise their franchise, and it
23 would not disenfranchise people, your -- your
24 experience as a county administrator for 20 --

25 BRUCE SHERBET: Well, 25 years in



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1 elections, but 18 as administrator.

2 REPRESENTATIVE ANCHIA: As the
3 administrator.

4 And it's also your testimony that there's
5 very -- your experience is that there's a very low
6 incidence of persons that come to the polling
7 location without either their certificate for -- or
8 some other forms of identification that would
9 satisfy Section 1, Sub B1 and 2?

10 BRUCE SHERBET: Right. And I agree
11 with that.

12 And I would say that right now this is a
13 transparent bill, because under our current law if
14 you don't have your certificate and you don't have
15 I.D., you vote provisionally. It doesn't count
16 anyway. So this really isn't changing anything.
17 It's requiring I.D., but it's also required right
18 now under our law. And if you don't have an I.D.,
19 if you don't have your certificate and you don't
20 have an I.D., then it's provisional. It didn't
21 count.

22 So I don't see what the difference is with
23 this bill, to be honest with you.

24 REPRESENTATIVE ANCHIA: And do you --
25 what has been your experience in terms of



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1 identification fraud in elections during your --
2 your 25 years being involved in elections?

3 BRUCE SHERBET: Well, I can tell you,
4 people indicted, I don't know of any single cases of
5 anyone indicted in Dallas County for that purpose.

6 You do hear concerns from time to time
7 about this being a problem. And I know it's
8 something that's being addressed not just in this
9 state but other states. But personally we haven't
10 had any indictments.

11 REPRESENTATIVE ANCHIA: Right.

12 BRUCE SHERBET: And that's all I can
13 base that on other than people who have concerns and
14 express them to us.

15 REPRESENTATIVE ANCHIA: Thank you for
16 your testimony.

17 CHAIRMAN BOHAC: Thank you very much.

18 The Chair now recognizes Frank Reilly with
19 the Republican Party of Texas, who is for the bill.
20 He does not wish to testify.

21 We now will recognize Anne McAfee
22 (phonetic), representing herself. And she is
23 retired. And she is against the bill.

24 UNIDENTIFIED REPRESENTATIVE: She is
25 not here. What do we do? She already checked in



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1 the "Y".

2 CHAIRMAN BOHAC: Ms. McAfee is not
3 here to testify. So we will now call -- the Chair
4 now calls Ann McGeehan from the Secretary of State's
5 office. She is neutral on the bill, and she is here
6 as a resource witness, Members. So if you have any
7 questions for Ann, if you would introduce yourself.

8 ANN MCGEEHAN: Ann McGeehan with the
9 Elections Division of the Secretary of State's
10 office.

11 I did have one point to make on the bill
12 that -- it's really just a question. But it's --
13 it's not clear the way the bill is drafted if
14 somebody did not have identification whether they
15 could vote a provisional or not.

16 Right now the existing administrative
17 rules that the Secretary of State adopted last year
18 provided if someone has no identification, they vote
19 a provisional but it doesn't get counted.

20 In House Bill 1402 there's not a direct
21 reference that says if a person does not have
22 identification they vote provisionally. So I just
23 wanted to point that out, unlike House Bill 1706
24 where there is a direct reference to provisional
25 voting. So I just wanted to raise that. I don't



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1 know if that was the intent of the Representative or
2 not, that if someone didn't have I.D. that they
3 would vote provisionally.

4 CHAIRMAN BOHAC: Any other questions?
5 All right. The Chair recognizes Representative
6 Hughes.

7 REPRESENTATIVE HUGHES: Thank you.
8 Just to make sure I understand -- and I appreciate
9 you pointing that out. Let's say House Bill 1402
10 were to become law. Would the Secretary of State's
11 office then take that to mean an intent that we
12 didn't have those provisional ballots --

13 ANN MCGEEHAN: Well, that's why I
14 raised --

15 REPRESENTATIVE HUGHES: -- I mean,
16 why did you raise it -- I mean --

17 ANN MCGEEHAN: -- because -- well, I
18 guess we -- we'd have to get with the sponsor. But
19 we could interpret that to mean that the legislative
20 intent was to not allow someone to --

21 REPRESENTATIVE HUGHES: Right.

22 ANN MCGEEHAN: -- vote a provisional
23 if they didn't have --

24 REPRESENTATIVE HUGHES: Right.

25 ANN MCGEEHAN: -- an I.D. But this



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1 was something in our rule.

2 REPRESENTATIVE HUGHES: Right. I'm
3 glad you pointed that out.

4 ANN MCGEEHAN: If they didn't have
5 I.D.

6 CHAIRMAN BOHAC: Thank you very much.

7 ANN MCGEEHAN: Thank you.

8 CHAIRMAN BOHAC: The Chair now calls
9 Nina Perales. She does not wish to testify. She is
10 with the Mexican American Legal Defense and
11 Educational Fund, and she would like to be read into
12 the record as being against the bill.

13 Anyone else wishing to testify for, on or
14 against House Bill 1402?

15 The Chair will now close on House Bill
16 1402, since Representative Kolkhorst is not here.
17 Then the Chair will leave House Bill 1402 pending,
18 which is the custom of this Committee.

19 Now, the Chair lays out House Bill 1382 by
20 Representative Jones.

21 Representative Jones, if you could explain
22 your bill. I understand there is a substitute to
23 this bill. And Representative Hughes offers
24 Committee Substitute -- the Committee Substitute to
25 House Bill 1382.



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1 REPRESENTATIVE JESSE JONES: Thank
2 you very much, Mr. Chairman, and the Members of the
3 Committee and Chairman Denny.

4 This is kind of similar, but a little --
5 almost a little clean-up deal in terms of The League
6 of Women Voters every once in a while turns out a
7 little sheet like this, you know, with some -- and
8 this one is a top five risk to eligible voters with
9 some solutions. And (inaudible). And it happens to
10 be one that's listed here in the first little dot
11 that's here. The package here says, "Provide timely
12 notice to the voter before (inaudible) person is
13 (inaudible) so that corrections be -- can be made."

14 And there are a number of reasons why a
15 person may be -- may be purged. And the law now
16 requires that timely notice -- well, I believe it
17 said immediately -- immediate notice should be --
18 should be given at this time.

19 Inasmuch as many of us have had some
20 experience with deliberate speed, our -- that
21 (inaudible) go for some years, we've kind of wanted
22 to put a little bit of -- kind of bracket that in
23 terms of some reasonable time.

24 If a person happens to be purged
25 erroneously or -- and even if one just doesn't catch



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1 maybe just a very few individuals every once in a
2 while, we agreed to -- if we take someone off the
3 role, they should not be taken off the role for any
4 reason and they are disenfranchised, then I think
5 perhaps it -- it -- it kind of causes us to -- to
6 question the system to an extent.

7 And so we thought perhaps it would be
8 appropriate that having just to have persons
9 notified immediately that we give a timeframe, but
10 not later than 30 days after the date of the voter's
11 registration has been canceled. And so we think
12 that's reasonable. Just a minor adjustment to the
13 law. And that might perhaps have to take this --
14 they only have two in that category, The League of
15 Women Voters, if this should happen to pass.

16 And I would be pleased to respond to some
17 questions.

18 CHAIRMAN BOHAC: Thank you,
19 Representative Jones.

20 Members, are there any questions?

21 The Chair will now call Cliff Borofsky
22 representing Bexar County. He is against the bill.

23 CLIFF BOROFSKY: Hi. Cliff Borofsky,
24 Bexar County Elections Administrator. Actually, I
25 wanted to come on and say I changed. I'm for the



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1 bill, because I saw the substitute after I came in.
2 And one of the portions of 16032 [sic] that was in
3 there has been removed in the substitute. And that
4 would have required a notice to the people who were
5 purged after November, which would have been, of
6 course, thousands of letters, probably 65 to 70,000
7 in our county, to people that hadn't been where they
8 were for four years. So there wouldn't be any point
9 in sending them a letter on a practical basis. And
10 my understanding is that 16032 is no longer in that,
11 so I wish to say now I'm in support of that bill.

12 CHAIRMAN BOHAC: Any questions for
13 the witness? Cliff, if you --

14 CLIFF BOROFISKY: Yeah.

15 CHAIRMAN BOHAC: -- you come up and
16 change your witness affirmation form that would be
17 terrific and then just initial it. Thank you very
18 much.

19 The Chair now calls Mary Finch (phonetic)
20 with The League of Women Voters. She is for the
21 bill, but she does not wish to testify.

22 The Chair now calls Don Alexander with the
23 Texas Associations of Elections Administrators. He
24 is against the bill.

25 DON ALEXANDER: Afternoon, Mr.



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1 Chairman. Don Alexander, Elections Administrator,
2 Denton County and president of Texas Association of
3 Election Administrators.

4 I was against the bill until I just
5 learned that 16032 was removed from the bill. So I
6 will now change my position and be in favor of the
7 bill.

8 CHAIRMAN BOHAC: Certainly. If you
9 would come up and change your information form.
10 Just initial it. Thank you very much.

11 Members, any questions?

12 The Chair now calls George Hammerlein. I
13 think he is with Paul Bettencourt's office, the
14 Harris County Tax Office, and he is neutral on the
15 bill. Could you introduce yourselves and tell --

16 GEORGE HAMMERLEIN: Hi. I'm George
17 Hammerlein, Harris County Tax Office, Director of
18 Voter Registration. And in light of the change --
19 the substitute, we're now for the bill. Any
20 questions?

21 CHAIRMAN BOHAC: George, would you
22 mind coming up here and changing your witness
23 affirmation form? See what a substitute can do?

24 UNIDENTIFIED REPRESENTATIVE: Did he
25 testify? (Inaudible).



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1 CHAIRMAN BOHAC: The Chair will now
2 call Suzy Woodford. I think she is not here. She's
3 with Common Cause Texas. But she is for the bill.
4 Oh, she is here.

5 SUZY WOODFORD: I just want to be
6 shown in favor of the bill.

7 CHAIRMAN BOHAC: She is in favor of
8 the bill, but does not wish to testify.

9 The Chair now calls Ken Bailey. He is
10 with the Texas Democratic Party. He is for the
11 bill. He does not wish to testify.

12 The Chair now calls Anne McAfee. She is
13 retired. She wishes to represent herself and she is
14 for the bill. And I would suspect she's not here.

15 And our last witness, Bruce Sherbet,
16 representing himself. He is for the Committee
17 Substitute.

18 BRUCE SHERBET: Thank you, Mr. Chair.
19 Just real briefly I want to thank Dr. Jones for his
20 immediate attention to this concern. And I remember
21 that my wife told me to immediately clean my garage
22 about four months ago, so I'm really happy that he
23 put a time limit on that. Just don't tell my wife
24 that, please.

25 CHAIRMAN BOHAC: Is there anyone



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1 wishing to testify on, for or against the bill? If
2 not, we will recognize Representative Jones to close
3 on House Bill -- let me see what this number is.
4 1382.

5 REPRESENTATIVE JESSE JONES: I simply
6 want to talk to Representative Hughes. I'm also
7 from east Texas, so (inaudible) over this bill.

8 But it's a -- it's something that we have
9 not taken notice of. Should go beyond 30 days and
10 has overlapped the time that a person would normally
11 vote or have an opportunity to correct it. Even be
12 able to pick up one individual, one error, I think
13 it's worth the change. Thank you.

14 CHAIRMAN BOHAC: Thank you,
15 Representative Jones. Any other questions, Members?

16 REPRESENTATIVE JONES: Thank you.

17 CHAIRMAN BOHAC: Slight change of
18 plans. We had a witness affirmation form that was
19 handed a little bit late. We now -- the Chair would
20 now like to re-layout House Bill 1382 and recognize
21 Elizabeth Winn with the Secretary of State's office.
22 She is listed as a resource witness. Any questions,
23 Members?

24 If not, the Chair will close on House Bill
25 1382 and leave it pending, which is customary for



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1 this Committee.

2 The Chair will now lay out House Bill 1269
3 by Bohac and recognize Representative Bohac to lay
4 out his bill, and I will do that.

5 I'll be quick. House Bill 1269 has to do
6 with the manner in which a voter can update the
7 voter registration information. Under current law
8 registered voters have the option of correcting
9 their registration information using a small space
10 on the back of their voter registration certificate
11 and returning it to the registrar. I'll show that
12 to the Members.

13 Due to the limited space on the back of
14 the certificate, it is often difficult for the Voter
15 Registrar's office to read the corrected
16 information, because, believe me, the lines are
17 extremely tiny. And the certificate form itself has
18 proven to be problematic -- a problematic form for
19 making these important updates. House Bill 1269
20 would require voters to submit a new voter
21 registration application to correct their
22 information making it easier for both the voter and
23 the Voter Registrar and ensuring that the voter's
24 records are accurately updated. Current law already
25 requires that a voter registration application



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1 provide a space or box for indicating whether the
2 applicant or voter is submitting a new registration
3 information or a change in current registration
4 information. House Bill 1269 would simply change
5 the wording on the back of the certificate to
6 instruct the voter to submit a new voter
7 registration application with the correct
8 information.

9 By law, the certificate is already
10 required to provide the registrar's telephone
11 number. If a vote -- if a voter needs to update
12 their address or make any other change to their
13 certificate all they have to do is make a phone call
14 to the registrar and the -- a card will be mailed
15 out postage paid. They can also call the Secretary
16 of State's office whose name is also presented on
17 the certificate.

18 Here's the main reason for the bill. I
19 filed this bill to end the confusion by using the
20 certificate as an updated form. When a Voter
21 Registrar mails out a new voter registration
22 certificate all the ones with bad addresses are then
23 returned to the registrar by the Post Office. It is
24 very difficult to tell what is a return due to a bad
25 address for a voter -- or voter information



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1 correction when they come back to the county. If a
2 mistake is made on the receiving end, a voter could
3 accidentally end up on the suspense list with the
4 rest of the return certificates instead of having
5 their information updated.

6 This along with the lack of space and the
7 fact that the voter's information is often
8 illegible, because these two tiny lines are
9 virtually impossible to get anything into less than
10 your name, is why I believe we need to use the voter
11 registration application form and keep the thing
12 separate.

13 Any questions, Members?

14 The Chair now calls George Hammerlein with
15 the Harris County Tax Office to testify for the
16 bill.

17 GEORGE HAMMERLEIN: George
18 Hammerlein, Harris County Tax Office. We favor the
19 bill a lot -- I guess for the main reason as you've
20 already laid out. When we do our voter registration
21 card mail-out we get hundreds of thousands of them
22 back anyway because they're undeliverable. And then
23 when these people add the corrections in with the
24 Chapter 9 money we get, you know, some of the people
25 are temporary workers. They'll miss a small hand



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1 notation. People put corrections at various parts
2 in the card. It's not always just even in those
3 lines. They'll just circle one thing and put a line
4 here, and you don't know if it's someone mailing it
5 back because they don't live here anymore or, you
6 know, they're re-spelling the middle name. It adds
7 a lot of confusion. They're ineligible -- or
8 unlegible actually to read. So we think trying to
9 start over is a lot better than the system we have
10 now, because we end up with big stacks of them that
11 no one can decipher what the changes are, are there
12 any changes.

13 CHAIRMAN BOHAC: Chair recognizes
14 Representative Hughes.

15 REPRESENTATIVE HUGHES: And thanks
16 for the insight into letting us know how this works.

17 I'm curious, what is the procedure when
18 this happens? Do you try to contact them at the old
19 address or what -- what do you -- what do we do?

20 GEORGE HAMMERLEIN: Well, on these
21 we'll assume that the address is good and they're
22 just trying to change something else. So it
23 resulted in a letter being mailed to them saying,
24 you know, we have received your attempt to modify
25 your voter registration. Could you please tell us



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1 what you trying to do.

2 REPRESENTATIVE HUGHES: Okay.

3 GEORGE HAMMERLEIN: And we usually
4 just mail them a new card inside an envelope and
5 say, you know, please put this in here, what you
6 were trying to do.

7 But the majority of them are -- you
8 know, you can't read them, so -- and then I think a
9 lot of times will be result of people inadvertently
10 being put on the suspense list, because we think
11 it's the temporary workers that are working --
12 they're returned mail. Just assume it's a bad
13 address with all the -- with all the other ones that
14 go out, and they'll get in that stack. So I think
15 it is a safety mechanism to keep people off the
16 suspense list, to be put there inadvertently.

17 CHAIRMAN BOHAC: Any other questions
18 for George? Thank you, Mr. Hammerlein.

19 .

20 CHAIRMAN BOHAC: The Chair now calls
21 Suzy Woodford for Common Cause Texas here to testify
22 against the bill.

23 SUZY WOODFORD: My name is Suzy
24 Woodford. I'm the Executive Director of Common
25 Cause. And after hearing the explanation of what



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1 you were trying to (inaudible) and the problem that
2 you were trying to solve, we will now register for.

3 CHAIRMAN BOHAC: Okay. Thank you.
4 Would you mind coming up here, Suzy and correcting
5 your witness affirmation form? Thank you, Suzy.

6 The Chair now calls Cliff Borofsky
7 representing Bexar County. He is here to testify
8 for the bill.

9 UNIDENTIFIED REPRESENTATIVE: Mr.
10 Chairman.

11 CLIFF BOROFSKY: Cliff Borofsky,
12 Bexar County Elections Administrator. You know,
13 sitting back there and we were discussing the rare
14 pros and cons of this bill, and it's a good bill
15 because it does clarify a lot of things. It does
16 give you enough space. We have some of the same
17 challenges albeit a bit less in volume than Harris
18 County has.

19 The only concern I have, per se, that is
20 if the voter sends us a new card and the letter of
21 the information is not the same there's some small
22 risk of creating a duplicate record. If they leave
23 out a middle initial they use a different set of
24 that. That -- there's a small risk. Otherwise, I
25 think that this can be an either/or on this. It



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1 will create more cards, I think. So I'm -- I'm
2 actually more neutral on this than for, but you can
3 leave me as for. I just wanted to throw out that
4 caution.

5 CHAIRMAN BOHAC: Okay. And are there
6 any questions for Mr. Borofsky? Representative
7 Hughes.

8 REPRESENTATIVE HUGHES: Thank you for
9 pointing that out. Do you have any thoughts on what
10 we might do to mitigate that problem? I mean, your
11 concern that it's a new card and we end up with two
12 records.

13 CLIFF BOROFSKY: I --

14 REPRESENTATIVE HUGHES: Don't let me
15 stop you. It's what you do.

16 CLIFF BOROFSKY: No. Great question.
17 Sure.

18 Since the print on the back of the card is
19 already unreadable, make it smaller [sic] or
20 increase the space.

21 REPRESENTATIVE HUGHES: Okay.

22 CLIFF BOROFSKY: We just increase the
23 size of the space on the back of the card and cut
24 some of the language.

25 REPRESENTATIVE HUGHES: That's not a



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1 bad idea.

2 CLIFF BOROFISKY: Practical.

3 REPRESENTATIVE HUGHES: Or maybe make
4 the card larger. I don't know if that's --

5 CLIFF BOROFISKY: They have --

6 CHAIRMAN BOHAC: We practice
7 legislation along with folks like yourself to try to
8 make it very, very good.

9 I think there's a space on the voter
10 registration card already that says this is a change
11 of address. Is that right --

12 UNIDENTIFIED REPRESENTATIVE: (Inaudib
13 le).

14 CHAIRMAN BOHAC: Yeah. So all they
15 would really have to do is maybe make the box bigger
16 to say what they're filling out is a change of
17 address --

18 REPRESENTATIVE HUGHES: So they know
19 it's not new registration when we get it.

20 CLIFF BOROFISKY: It's tiny. Have you
21 seen it lately?

22 CHAIRMAN BOHAC: On, no, I know
23 that's tiny. I'm saying on the voter registration
24 card.

25 CLIFF BOROFISKY: Oh yeah, on the



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1 card, sure.

2 CHAIRMAN BOHAC: On the registration
3 card.

4 CLIFF BOROFISKY: (Inaudible) on the
5 card or on the back.

6 CHAIRMAN BOHAC: Thank you. Any
7 other questions Members? Thank you for your
8 testimony.

9 CLIFF BOROFISKY: Yes.

10 CHAIRMAN BOHAC: The Chair now called
11 Ken Bailey with the Texas Democrat Texas parties.
12 He is against the bill. Please introduce yourself,
13 Ken, and tell us who you're with.

14 REPRESENTATIVE JONES: Thank you, Mr.
15 Chairman. My name is Ken Bailey. I'm the political
16 director of the Texas Democratic parties. And like
17 the previous witness, I really don't have a problem
18 if it's an/or. But if that's the only way you can
19 do it is have to spill out a new card, what if it's
20 just the zip code that's bad? You know, I should be
21 able to strike out and recollect it. Or if you make
22 it a little bigger where they can do it. That's our
23 only problem with the bill.

24 CHAIRMAN BOHAC: Okay. Any other
25 questions, Members? Thank you very much.



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1 The Chair now recognizes Anne McAfee. She
2 is representing herself. She is against the bill,
3 but she is not here to testify.

4 Chair now recognizes Bruce Sherbet
5 representing himself. He is against the bill.

6 BRUCE SHERBET: Thank you,
7 Mr. Chairman.

8 Bruce Sherbet, Dallas County. I'm
9 concerned with this bill, because we get probably
10 20,000 (inaudible) when we mail out new voter cards
11 with addresses on them for correction. And these
12 voters don't have to go find a voter application
13 anywhere. It's right there in front of them. They
14 fill them out. And I know that there -- there are
15 some justified reasons for this, and I don't doubt
16 that. And one of the ones not mentioned is
17 sometimes we don't have the birthdate, we need to
18 update our records or we don't have a driver's
19 license, and we need to update that record, too.
20 But for the voter's sake, it just seems to me that
21 we're making them go find a voter application when
22 they have a certificate, they can just put that
23 information on it. And I think you'll see that
24 there are some that we have to send notices to them,
25 get corrections, some we can't determine what it is.



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1 By far, well over 90 percent of ours
2 we're -- we're able to change their address and get
3 it done with the voter not having to take one other
4 step, but just putting their information on the back
5 of that voter card and sending it in. We've been
6 doing this for 25 years at least. I mean, I've been
7 in elections for 25 years. So I just had some
8 problems understanding.

9 I know that makes our job easier, but it's
10 not making the voters' job easier if they have to go
11 find a reporter application. So that's why I wanted
12 to go on record today saying personally, as Dallas
13 County Elections Administrator, I just think it has
14 some problems. I don't see the benefits outweighing
15 the problems for the voter trying to find a voter
16 application. Well, we're trying to make this
17 something easier over the last few years and not
18 make it something more difficult.

19 CHAIRMAN BOHAC: Sure. Thank you.
20 Members, do you have any questions for the witness?
21 If not, thank you very much.

22 The Chair will now call Mr. Don Alexander
23 with the Texas Association of Election
24 Administrators. Actually, he does not wish to
25 speak, but he wants to be on the record being for



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1 the bill.

2 Our final witness, as far as I know, is
3 Elizabeth Winn for the Secretary of State's office.
4 She is here as a resource witness, and of course she
5 is neutral on the bill.

6 Members, any questions for Elizabeth?

7 I will now recognize myself to close on
8 House Bill -- what is my number? House Bill 1269.
9 And, Members, I would ask that you would report this
10 bill favorably to the general calendar. And that
11 will close on my bill.

12 And now the Chair will recognize Chair --
13 oh, I'm sorry. Let me back up for a moment. We
14 will leave the House Bill 1269 pending, as is
15 customary.

16 And the Chair will now recognize
17 Representative Denny, Chairwoman Denny, to explain
18 House Bill -- let me see what that number is. House
19 Bill 1706.

20 CHAIRWOMAN DENNY: Thank you, Mr.
21 Chairman. It's great being here. You're doing a
22 terrific job. Thank you all.

23 Mr. Chairman, Members, to vote a regular
24 ballot, voters are only required to present their
25 voter registration certificate to a poll worker.



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1 While this practice attempts to ensure that only
2 registered voters receive a regular ballot on
3 election day, it leaves a potential loophole for
4 fraud individuals that are not required to show
5 identification to register to vote.

6 Because of this, it is possible for an
7 unscrupulous individual to submit several false
8 filed voter registration applications and to receive
9 the voter registration certificates for the fake
10 individuals.

11 With the current process, no statutory
12 standards exist to verify the identity of
13 individuals at the polling place when they present a
14 voter registration certificate.

15 House Bill 1706 amends the Election Code
16 by providing that on offering to vote, a voter must
17 present either one form of photo identification or
18 two different forms of non-photo identification in
19 addition to the voter's registration certificate.
20 If the voter's identity can be verified from the
21 proof presented and the voter complies with existing
22 provisions relating to eligibility to vote, the bill
23 requires that the voter be accepted for voting.

24 The bill provides a person who fails to
25 show either a photo identification or two forms of



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1 non-photo identification is authorized to vote a
2 provisional ballot only.

3 House Bill 1706 modifies the list of
4 acceptable forms of identification for the purposes
5 of voting. The bill provides that the following are
6 acceptable forms of identification: A driver's
7 license or personal identification card issued by
8 the Department of Public Safety that is not expired
9 or has expired within two years of the date of
10 presentation; a U.S. military identification card
11 containing the person's photo -- containing the
12 person's photograph; a valid employee identification
13 card containing the person's photograph; a U.S.
14 citizenship certificate that contains the person's
15 photograph; a U.S. passport issued to the person; a
16 student identification card issued by a public or
17 private institution of higher education located in
18 Texas that contains the person's photograph, or a
19 license to carry a concealed handgun issued by DPS.

20 The bill provides that the following are
21 acceptable forms of non-photo identification: A
22 copy of a current utility bill, a bank statement, a
23 current check, paycheck or other government document
24 that shows the name and address of the voter;
25 official mail addressed to the person by name from a



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1 governmental entity; a certified copy of a birth
2 certificate or other acceptable -- acceptable
3 document confirming birth; U.S. citizenship papers;
4 original or certified copy of a person's marriage
5 license or divorce decree; court records of a
6 person's adoption or name or sex change;
7 identification card issued by a governmental entity
8 for the purpose of obtaining public benefits
9 included Veterans' benefits including Medicaid or
10 Medicare; temporary driving permit issued to the
11 person by DPS; a pilot's license benefit (inaudible)
12 by an authorized federal agency; temporary library
13 card containing the person's name issued by a public
14 library located in this state or hunting or fishing
15 license issued to the person by the Parks and
16 Wildlife Department.

17 The bill removes driver's license or photo
18 identification card issued by another state, any
19 forms of identification containing a person's
20 photograph that establishes the person's identity
21 and any other forms of identification prescribed by
22 the Secretary of State from the list of acceptable
23 identification.

24 The bill prohibits DPS from collecting a
25 fee for personal identification certificate if the



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1 person applying for the certificate executes an
2 affidavit stating that the person is financially
3 unable to pay the required fee.

4 The bill also requires the person to be a
5 registered voter and present a valid registration
6 certificate or be eligible for registration and
7 submit a registration app -- application in order
8 for the fee to be waived.

9 I might also make the Committee aware that
10 in the U.S. Senate, as a follow-up to HAVA, a bill
11 has been filed that will require this very thing.
12 And along with it, will come the formal funding as
13 it did with HAVA. So we can expect within, oh,
14 however long it takes them to pass bills, to do it,
15 within, I'd say, two to four years, this type of
16 legislation being mandated to the states. But, of
17 course, the funding comes with it. And I did put a
18 rider in the appropriations bill, and you'll notice
19 the fiscal notes you have. I was very pleased to
20 see that that came in much, much lower than I had
21 estimated. I put in a \$12 million fiscal note on
22 the rider that I put into appropriations, and it
23 came in at only 130,000 a year, which I was very,
24 very pleased with, because that -- most people do
25 have driver's licenses or state-issued I.D.s, and



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1 DPS did not anticipate that that was going to be a
2 very expensive thing for them. So that was indeed
3 good news.

4 While I am explaining this bill, I wanted
5 to address just a couple of things that I think were
6 brought up within Representative Kolkhors's bill
7 that's very similar in nature to this was being
8 discussed. And as I mentioned here, you know, we
9 don't show I.D. when we register to vote now. It's
10 very simple to register. You just fill out a card,
11 and nothing prevents people from registering for
12 family members and even friends. And you could even
13 sign the signature for your family member, which is
14 fine under current law, but it -- it certainly does
15 make things difficult when you show up to vote.

16 We have had numerous examples, especially
17 with early voting by mail when people show up on
18 election day to vote and they've been notified --
19 they are notified at that time that they've already
20 voted. And they say, "No, I haven't." But someone
21 did vote for them. And this is just a -- an attempt
22 to make sure that you are who you say you are. And
23 when you show up to vote, your vote and that
24 precious right that you have is protected and that
25 no one can take that away from you and that you are



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1 who you say you are. And as Representative
2 Kolkhorst said, it is our precious right. We -- our
3 forefathers have fought and died for us to have this
4 right. And simply showing who you are is, I think,
5 the least we can ask of -- of people.

6 And I'll be happy to entertain any
7 questions that the Committee may have.

8 CHAIRMAN BOHAC: Yes. Representative
9 Hughes.

10 REPRESENTATIVE HUGHES: Mr. Chair, I
11 think I understand. So the fiscal note, then, that
12 is the cost to DPS for issuing the state I.D.s for
13 folks who state that they can't -- that they're
14 unable to pay for it?

15 CHAIRWOMAN DENNY: That's correct.

16 REPRESENTATIVE HUGHES: That was the
17 only expense, I guess. Is that right?

18 CHAIRWOMAN DENNY: Yes.

19 REPRESENTATIVE HUGHES: Thanks. I
20 thought so.

21 CHAIRWOMAN DENNY: And when the
22 federal law passes and is handed down, the -- then
23 they will then pass to the states the money to pay
24 for that. So this will not be an ongoing recurring
25 expense.



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1 REPRESENTATIVE HUGHES: Yes, ma'am.
2 And so -- and DPS -- I guess this is obvious, but
3 DPS is waiving the fees for those cards so this
4 doesn't become a sort of back door poll tax. Right?

5 CHAIRWOMAN DENNY: No.

6 REPRESENTATIVE HUGHES: That's the
7 point --

8 CHAIRWOMAN DENNY: That's the whole
9 point of it.

10 REPRESENTATIVE HUGHES: Right. Okay.

11 CHAIRWOMAN DENNY: Okay.

12 REPRESENTATIVE HUGHES: Right.

13 CHAIRWOMAN DENNY: Because we don't
14 want anyone who would not be able to afford these to
15 have to pay. Actually, would (inaudible).

16 CHAIRMAN BOHAC: In the interest of
17 time and witnesses, we've taken testimony on a
18 similar bill already. So I know that Representative
19 Anchia has a plane flight he has to catch by 5:00
20 o'clock, so -- and I'm -- some of you all have time
21 commitments, as well. So if you could please come
22 up here, state your name and tell us, without being
23 too redundant, why you are against this very similar
24 bill, I would really appreciate, for, on or against
25 this very similar bill.



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1 And the Chair would now like to call
2 Skipper Wallace, representing the Texas Republican
3 County Chairman Association Legislative Committee.
4 He is for the bill.

5 SKIPPER WALLACE: Mr. Chairman, I
6 appreciate the opportunity to come before you all
7 today. I just want to say that the Texas County
8 Chairmens Association is in support of this bill.
9 We feel like it would be a good measure to help
10 clean up some of the problems we've had in our
11 election process. We know we've got some problems,
12 and we're all trying to do the same thing of get
13 everybody that is eligible to vote the ability to
14 vote. Thank you.

15 CHAIRMAN BOHAC: Any -- any
16 questions, Members? Thank you very much for coming.

17 The Chair now calls Bruce Sherbet. He is
18 representing himself. He is neutral on the bill.
19 Bruce, if you could introduce yourself.

20 BRUCE SHERBERT: Bruce Sherbet.
21 Mr. Chair, I would be redundant to say anything
22 else. We have rested on Kolchorst bill about just
23 making sure you don't have to show a certificate and
24 an I.D. Correct?

25 CHAIRMAN BOHAC: So your concern is



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1 about showing a certificate and I.D.?

2 BRUCE SHERBERT: That was my biggest
3 concern.

4 CHAIRMAN BOHAC: All right. Thank
5 you.

6 REPRESENTATIVE ANCHIA: Mr. Chair, I
7 have a question.

8 CHAIRMAN BOHAC: Chair recognizes
9 Representative Anchia. Sorry about that.

10 REPRESENTATIVE ANCHIA: That's okay.

11 Mr. Sherbet, do you have the same concern
12 that was articulated, I can't remember if it was by
13 you or another witness, that in the explicit -- in
14 the bill that people be able to vote a provisional
15 ballot to the extent they do not have any I.D.?

16 BRUCE SHERBERT: Absolutely. And I
17 know -- I mean, Ms. Ann McGeehan brought that up,
18 and I totally agree with that. I missed that. So
19 yes.

20 REPRESENTATIVE ANCHIA: Thank you.

21 CHAIRMAN BOHAC: Any other questions?
22 Thank you.

23 The Chair now calls Suzy Woodford with
24 Common Cause Texas. She is against the bill.

25 Suzy, if you would approach the podium and



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1 introduce yourself and tell us who you're with.

2 SUZY WOODFORD: My name is Suzy
3 Woodford. I'm the Executive Director of Common
4 Cause Texas.

5 I think it's premature. If, in fact, the
6 federal government passes this law in another two
7 years or four years, there will be other stations
8 that we can come back and address this issue. And
9 my question is this: Let's say -- because I have a
10 voter's registration card with me and I keep it with
11 me at all times. And every time I go to vote, I
12 have my voter registration card.

13 So are you telling me that if I don't have
14 my driver's license with me or I don't have any of
15 the other things listed, even though I have a valid
16 voter registration card I will be forced to vote
17 provisional and then it may not be counted?

18 CHAIRMAN BOHAC: You would have to
19 ask that to the author. She --

20 CHAIRWOMAN DENNY: Without photo I.D.
21 to prove who you are.

22 SUZY WOODFORD: With a valid voter's
23 registration card?

24 CHAIRWOMAN DENNY: Or forms of I.D.

25 SUZY WOODFORD: I have to tell you, I



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1 really am offended by this.

2 I've been voting for a lot a lot of years.
3 And we encourage people to register to vote. It's
4 with the understanding that you're registering to
5 vote. You're swearing to all these things when you
6 fill out your voter registration card. And all you
7 have to do is take your voter registration card and
8 go and vote.

9 And until we -- we have proof that this
10 is -- this is being so abused, such widespread --
11 such widespread abuse, that this -- these additional
12 safeguards are necessary, I just think that it's not
13 going to encourage people to really want to
14 participate that much.

15 UNIDENTIFIED REPRESENTATIVE:

16 (Inaudible)

17 CHAIRMAN BOHAC: I think
18 Representative Anchia has some questions or comments
19 for you.

20 REPRESENTATIVE ANCHIA: I think
21 that's a valid concern. And -- and we've received,
22 I think, some disparate testimony on this, although
23 I think it may be conclusive. And maybe if I could
24 ask the author -- would it be appropriate,
25 Mr. Chair, if I asked Chairwoman Denny the question?



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1 My understanding is that Section 4, Sub A,
2 would cover your concern and your situation. If
3 that's not the case, somebody please let me know.
4 But it says that a voter who does not present a
5 voter registration certificate when offering to
6 vote --

7 CHAIRWOMAN DENNY: Right.

8 REPRESENTATIVE ANCHIA: -- but whose
9 name is on the list of the precinct for the voter
10 who's offering to vote in your case shall be
11 accepted for voting if the voter executes an
12 affidavit stating that you -- that the voter does
13 not have the registration certificate, as in your
14 case?

15 SUZY WOODFORD: No. I had my
16 certificate. I have my voter registration card.

17 REPRESENTATIVE HUGHES: She wouldn't
18 be covered by that. She has her card.

19 REPRESENTATIVE ANCHIA: She's got her
20 card but not her photo --

21 CHAIRWOMAN DENNY: No.

22 SUZY WOODFORD: Not photo I.D. She
23 would not be accepted. That would be --

24 CHAIRWOMAN DENNY: You have to prove
25 you are on the list.



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1 SUSIE WOOLFORD: And I'm on the list.

2 REPRESENTATIVE ANCHIA: Yeah, that
3 raises an issue.

4 CHAIRWOMAN DENNY: But you have to be
5 able to prove that you're Suzy Woodford.

6 SUZY WOODFORD: An outrage.

7 REPRESENTATIVE ANCHIA: So --

8 CHAIRWOMAN DENNY: She could show up
9 there with Mary Denny's --

10 SUZY WOODFORD: If you'll get -- if
11 we have proof that this is just widespread voter
12 fraud going on in the State, that would be one
13 thing. But I don't think there's -- No. 1, I think
14 the majority of people take pride in having a voter
15 registration card and going and voting. And -- and
16 everything that we do that calls into question your
17 motivation or you have to prove you're who you say
18 you are, I just think it has a real chilling effect.
19 And I would just like to see this not be admitted
20 right now.

21 CHAIRMAN BOHAC: Any questions,
22 Members? Suzy, thank you for your testimony.

23 The Chair now calls George Hammerlein
24 (phonetic). He is with Harris County Tax Assessor's
25 Office. He is for the bill.



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1 George, if you can please introduce
2 yourself and tell us who you're with.

3 GEORGE HAMMERLEIN: Good afternoon.
4 I'm George Hammerlein, Harris County Tax Assessor
5 Office in Voter's Registration Department.

6 We think it's good legislation, and we
7 think the voters have a certain obligation as well
8 as a right to vote. And with that -- with the right
9 to vote come, you know, certainly the I.D. -- the
10 I.D. situation. State law you're supposed to carry
11 I.D. anyway. You have to show I.D. most times to
12 buy a pack of cigarettes if you look like you're
13 close to the age of 21.

14 I think it adds dis -- integrity to the
15 voter rolls, gives people more confidence that
16 people are who they say they are in the voting
17 process. And I think every time you have just even
18 one or two votes that are illegally cast it
19 disenfranchises all the people that are eligible to
20 vote and that do cast a vote. So, you know, to have
21 your vote diluted by people that are casting illegal
22 votes, you know, there -- there is a negative impact
23 on everyone else, as well.

24 So I just think telling the voters that
25 they have obligation to carry I.D. with them to --



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1 to the polls is not a -- a burden that they can't
2 carry -- carry out.

3 Are there any questions?

4 CHAIRMAN BOHAC: Members, any
5 questions? The Chair recognizes Representative --
6 Representative Anchia.

7 REPRESENTATIVE ANCHIA: It was my
8 desire to expedite things, but it seems like I've
9 got all the questions. I apologize, Mr. Chair.

10 CHAIRMAN BOHAC: You know, this is a
11 very important issue, so if we go over the time,
12 it's perfectly okay. I was just --

13 REPRESENTATIVE ANCHIA: Yeah.

14 CHAIRMAN BOHAC: -- you know, we've
15 already had testimony on similar bills. So take it.

16 REPRESENTATIVE ANCHIA: I'm kind of
17 struggling with this issue. And I think -- I think
18 it's not an easy one. You said that people are
19 disenfranchised, that maybe there are some illegal
20 votes that go on. But wouldn't you say it's also
21 serious -- probably even more serious of a
22 disenfranchisement problem of people who are
23 eligible to exercise this fundamental right --

24 GEORGE HAMMERLEIN: Right.

25 REPRESENTATIVE ANCHIA: -- that



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1 they're given under our constitution --

2 GEORGE HAMMERLEIN: Right.

3 REPRESENTATIVE ANCHIA: -- are unable
4 to exercise that franchise as a result of a -- a --
5 a technicality, essentially in the law, having to
6 show your -- your -- your license?

7 I mean, you were born with this right
8 under the U.S. Constitution.

9 GEORGE HAMMERLEIN: Uh-huh.

10 REPRESENTATIVE ANCHIA: You should be
11 able to exercise this right frequently. And then
12 suddenly you're unable to vote, because you're
13 unable -- because your ballot -- your voter
14 registration certificate --

15 GEORGE HAMMERLINE: Uh-huh, right.

16 REPRESENTATIVE ANCHIA: -- to the
17 poll location as has been your custom since time in
18 memorium before you were born.

19 GEORGE HAMMERLEIN: Right.

20 REPRESENTATIVE ANCHIA: You come to
21 the polling place. This has been your position.
22 And suddenly you are not able to exercise your
23 franchise, because you don't have another form of
24 I.D.

25 GEORGE HAMMERLEIN: Well, we used to



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